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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixtieth session
4-22 March 2002

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination*

Belgium

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Belgium (CERD/C/381/Add.1), which were due on 6 September 1996, 1998 and 2000 respectively, at its 1509th and 1510th meetings, held on 13 and 14 March 2002 (CERD/C/SR.1509 and 1510). At its 1520th meeting (CERD/C/SR.1520), held on 21 March 2002, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed reports submitted by the State party, while regretting the late submission of the eleventh and twelfth periodic reports. The Committee was encouraged by the attendance of a delegation composed of representatives of many government departments at the federal, community and regional levels, and expresses its appreciation for the constructive oral responses of the delegation to the questions asked.

* Please note that the symbol CERD/C/Session No./CO/... will from now on replace the previous symbol CERD/C/304/Add...

B. Positive aspects

3. The Committee welcomes recent developments that have taken place in the State party in the field of human rights. It notes, in particular the enactment of new laws and the ratification of a number of international treaties, such as the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Rome Statute of the International Criminal Court.

4. The Committee welcomes the declaration made by the State party under article 14 of the Convention.

5. With regard to article 4 of the Convention the Committee notes with appreciation the State party's efforts in the field of legislative reform, especially the amendment to article 150 of the Constitution, which transfers jurisdiction over acts motivated by racism and xenophobia committed through the media to lower instance criminal courts. It also welcomes the imposition of financial sanctions on anti-democratic political parties that disseminate racism and xenophobia.

6. The Committee notes with appreciation the work of the Centre for Equal Opportunity and the Struggle against Racism, and in particular the agreement reached between the postal authorities and the Centre with a view to preventing the distribution of material containing racist propaganda and xenophobic statements.

7. The Committee notes measures taken by the State party to counter the dissemination of racist statements on the Internet.

8. The Committee welcomes the measures taken by the State party to raise awareness of racism and racial discrimination, in particular in the army and among criminal justice officials. It also welcomes the measures taken to limit the information given by the judicial and police authorities to the press regarding the ethnic origin and the nationality of the alleged offenders.

9. The Committee also welcomes the election of a body representing the Muslim communities with a view to maintaining and developing dialogue with the public authorities in Belgium.

10. With regard to article 5 of the Convention, the Committee takes note of measures in Flanders forbidding discrimination, including on racial or ethnic grounds, in collective labour agreements, and of measures facilitating the education of migrant children. The Committee also takes note of measures in the Walloon region for the education of children of illegal migrants and for the study by migrant children of their mother tongue on the basis of bilateral agreements with their country of origin.

C. Concerns and recommendations

11. The Committee notes that the primacy of the provisions of the Convention over internal laws depends on the evaluation by the judge as to whether such provisions are directly applicable. It recommends that the State party include in its next periodic report specific information on the status of the Convention in domestic law and on court cases, if any, in which the Convention was invoked.

12. The Committee notes that a draft general law on racial discrimination is under consideration by the Parliament and encourages the State party to adopt it as soon as possible.

13. The Committee notes that no reference is made in the report to article 3 of the Convention. The Committee recommends that the State party provide in its next periodic report relevant information on any trend towards segregation of communities, especially in large cities, and measures taken by the authorities to prevent such developments.

14. The Committee is concerned that there is no legislation prohibiting racist organizations and propaganda activities. It is also concerned about the increasing influence of xenophobic ideology on political parties, especially in Flanders. In this context, the Committee requests the State party to give more information on the application of the 1998 law on withdrawing financial support to political parties that incite racism or racial hostility, or disseminate racial propaganda. Taking into account the mandatory nature of article 4 of the Convention, the Committee also recommends that the State party enact legislation that declares illegal and prohibits any organization which promotes or incites to racism and racial discrimination and consider withdrawing its reservation to this article. In this context, the Committee draws the attention of the State party to its general recommendation XV.

15. The Committee expresses concern about reports according to which the legal provisions designed to prosecute and punish acts of racism and racial discrimination are not applied. It also expresses concern at the length of procedures for the investigation of complaints by victims of racial discrimination. The Committee recommends that the State party ensure that all acts of racism and racial discrimination are investigated and that the alleged perpetrators, if found guilty, be punished.

16. Concern was also expressed about several cases of racist incidents in police stations involving law enforcement officials, where the victims were immigrants and asylum-seekers. The Committee is also concerned about reports that children belonging to ethnic minority groups have experienced verbal violence. The Committee recommends that the State party take all necessary measures to prosecute racially motivated acts of violence by law enforcement officials and to prevent such verbal offences against members of minority groups, and continue its efforts to promote intercultural tolerance, understanding and respect.

17. With regard to the amendment to article 150 of the Constitution, the Committee requests the State party to provide detailed information in its next periodic report on the number of cases brought before the Belgian courts and the decisions taken with regard to acts of racism, racial discrimination or incitement to racial hostility, in which the media, especially the press, were involved.

18. The Committee is concerned about the difficulties of access to employment and housing of members of ethnic minorities. The Committee recommends that the State party take all necessary measures to facilitate the occupational integration, in both the public and private sectors, and the access to housing, of persons belonging to ethnic minorities. The Committee recommends that the State party provide in its next periodic report information on the situation in all regions of the State party, including on complaints of racial discrimination and on redress, if any, provided to the victims.

19. While noting the positive efforts undertaken by the State party in the field of education against racial discrimination, the Committee expresses concern about the absence or insufficiency of educational measures for some professional groups, such as judges, prosecutors, lawyers and civil servants. The Committee recommends that the State party give full effect to the provisions of article 7 of the Convention by adopting effective measures, particularly in the fields of education and training, in order to prevent racial discrimination.

20. While noting the satisfactory measures taken in the State party, especially by the Centre for Equal Opportunity and the Struggle against Racism, following the events of 11 September 2001 in the United States, in order to promote tolerance between religious communities, the Committee regrets occurrences of racial acts against persons belonging to ethnic minorities, especially those of the Muslim faith. The Committee recommends that the State party include in its next periodic report detailed information on the development of the situation and measures taken in this field.

21. The Committee recommends that the State party include in its next periodic report detailed information on the work of the Centre, the number of complaints received, as well as the outcome of cases brought before the courts.

22. Noting the responsibility of the Federal State for the implementation of the Convention, the Committee recommends that the State party provide in its next periodic report detailed information on the demographic composition of the population and socio-economic data disaggregated by gender and national and ethnic group for all its regions and communities.

23. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

24. The Committee reiterates its appeal to the State party to ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

25. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

26. The Committee recommends that the State party submit its fourteenth periodic report jointly with its fifteenth periodic report, due on 6 September 2004, that it be an updating report, and that it address the points raised in the present concluding observations.